

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM FOR ALASKAN SMALL SUCTION DREDGE PLACER MINERS**

[General Permit No.: AKG-37-5000]

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Owners and operators of facilities engaged in the processing of placer gold are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE
WHERE DISCHARGES OCCUR.**

[Facility Name]

[Receiving Water]

This permit shall become effective on April 7, 1997.

This permit and the authorization to discharge shall expire on April 9, 2002.

/s/ **Philip G Milam**

Philip G. Millam
Director
Office of Water, Region 10
U.S. Environmental Protection Agency

I. COVERAGE UNDER THIS PERMIT

A. Coverage and Eligibility

Upon the submittal of a Notice of Intent (NOI) to Alaska Department of Fish and Game to gain coverage under this permit, facilities which meet the criteria for coverage under Part I of this permit will be granted coverage.

B. Authorized Placer Mining Operations

This permit authorizes placer mining by suction dredges with intake nozzles less than or equal to 4 inches. Hose size shall not be greater than 2 inches larger than the nozzle size. If a constrictor ring is used, nozzle size may be determined based on the size of the constrictor ring, provided that the ring is of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle, and that the ring is welded or otherwise permanently attached over the end of the intake nozzle.

C. Additional Requirements

Many streams and stream reaches in Alaska have been designated as part of the federal wild and scenic rivers system or as Conservation System Units (CSUs) by the federal government. Permittees should contact the district offices of the federal agencies that administer the designated area for additional restrictions that may apply to operating within the area.

D. Prohibitions

1. This general permit does not apply to facilities located or proposed to be located in National Parks System Units (i.e., Parks and Preserves), National Monuments, Sanctuaries, Wildlife Refuges, Conservation Areas, Wilderness Areas, Critical Habitat Areas, or waters within the boundaries of areas designated as wild under the Wild & Scenic Rivers Act.
2. This permit does not apply to wetlands designated in the 1995 Anchorage Wetlands Management Plan.

E. Permit Expiration

This permit will expire on [date 5 years from effective date]. For facilities submitting a new NOI 90 days prior to expiration of this general permit, the conditions of the expired permit continue in force until the effective date of a new permit.

II. MANAGEMENT PRACTICES

- A. Streambanks shall not be mined or otherwise disturbed. Dredging is permitted within only the existing wetted perimeter (waterline) in the active stream channel. This provision does not apply to suction dredges operating within mine cuts located above the ordinary high water line or disconnected ponds and meander cutoffs.
- B. Dredging and discharging are prohibited in locations where fish are spawning or where fish eggs or alevins are known to exist at the time dredging occurs. Each Permittee shall consult the regional office of the Alaska Department of Fish & Game (ADFG) for the region in which the Permittee proposes to operate a dredge in order to obtain the information necessary to comply with this BMP.
- C. Winches or other motorized equipment shall not be used to move boulders, logs, or other natural instream obstructions.
- D. No wheeled or tracked equipment may be used instream.
- E. No damming or diversions are authorized.
- F. Dredging of concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location, or reducing the volume of effluent discharged by limiting the operating speed of the suction dredge.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply.** The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions.**
 - 1. **Administrative Penalty.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to an administrative penalty, not to exceed \$10,000 per day for each violation.
 - 2. **Civil Penalty.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$25,000 per day for each violation.

3. Criminal Penalties:

- a. **Negligent Violations.** The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
 - b. **Knowing Violations.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
 - c. **Knowing Endangerment.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
 - d. **False Statements.** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.
- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

IV. GENERAL REQUIREMENTS

- A. Anticipated Noncompliance.** The Permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

- B. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- C. Duty to Reapply.** If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The NOI should be submitted at least 90 days before the expiration date of this permit.
- D. Duty to Provide Information.** The Permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
- E. Other Information.** When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- F. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- G. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- H. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- I. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- J. Paperwork Reduction Act.** EPA has reviewed the requirements imposed on regulated facilities in this final general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of this permit have already been approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the CWA.

K. Inspection and Entry. The Permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
3. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

L. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

V. DEFINITIONS

- A. "Active Stream Channel" means that part of the channel that is below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.
- B. "Silt and Clay" are soil particles having a diameter of less than 0.002 mm (2 microns).